



November 17, 1999

Mr. C.J. Brandt, Jr.
General Counsel
Department of Information Resources
P.O. Box 13564
Austin, Texas 78711-3564

OR99-3301

Dear Mr. Brandt:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128887.

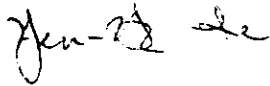
The Department of Information Resources (the "DIR") received a request for information concerning "difficulties with the computer in the Attorney General's Office responsible for keeping track of child support enforcement." You ask whether the "DIR is legally permitted to respond to an open records request for this information." Alternatively, you claim that the requested information is excepted from disclosure under sections 552.101, 552.106, 552.111, and 552.116 of the Government Code.

You explain that the "DIR has entered into a contract with the Legislative Budget Board that affects the ownership of the requested information." The DIR entered into an Interagency Contract with the Legislative Budget Board (the "LBB") as mandated by Article I, Section 8 of the General Appropriations Act for FY 2000 - 2001. Act of May 26, 1999, 76th Leg., R.S., ch. 1589, art. I, § 8, 1999 Tex. Sess. Law Serv. I-64, I-67 (Vernon). Section 8 provides that the DIR shall contract with the LBB under which contract the LBB shall evaluate and review agencies' information planning and information systems and strategic and biennial operating plans and provide the legislature with analysis and recommendations regarding appropriation requests made by agencies for acquisition of information systems. *Id.* Pursuant to the contract, "[a]ny [of the DIR's] existing files that concern the functions transferred to the LBB . . . shall be transferred to the LBB on the effective date of the contract, [September 1, 1999]." You state that the requested information concerns the DIR's functions that are transferred to the LBB under the contract. Thus, as of September 1, 1999, the requested information is the property of the LBB. The contract further provides that the LBB is responsible for complying with the Public Information Act for its own public information. Lastly, the contract expressly provides that the "DIR is not authorized to

receive open records requests or take any other action under the Public Information Act on behalf of the LBB. [The] DIR may not release or disclose the LBB's Public Information to any person without the express written consent of the LBB." Because the requested information is now the property of the LBB, the DIR is prohibited by the provisions of the contract from receiving open records requests or taking any other action under the Public Information Act on behalf of the LBB for the LBB's public information. Therefore, we believe that the DIR need not comply with this request for information. An open records request for this information should be directed to the LBB.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Yen-Ha Le", with a stylized flourish at the end.

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/ljp

Ref.: ID# 128887

Encl. Submitted documents

cc: Mr. Lucius Lomax
P.O. Box 547
Austin, Texas 78767
(w/o enclosures)